

BENGAL LEGISLATIVE ASSEMBLY

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Raised by Mr. Mukunda Behary Mullick in connection with a special motion under section 78A of Babu Jitendralal Bannerjee urging the Government to bring it to the notice of the Prime Minister that the Poona Pact (relating to the representation of the depressed classes in the Provincial Legislatures) was inapplicable to the peculiar circumstances of Bengal, etc., that the motion was out of order and could not be discussed in the Council under sections 71 and 78A of the Rules and Standing Orders : 90-91.

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Ruling given by— that under rule 91(2) of the rules, it was not within the competence of any member of the House to move for the total refusal of a demand, but that he could propose reduction or omission of an item of the demand : 35, 36.

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Also discouraging the practice of members to rise and make speeches under the pretext of making a personal explanation or on points of order without having any material grievance or without being able to make out the points of order : 70.

Ruling by— that the special motion of Babu Jitendralal Bannerjee relating to the Poona Pact admitted under section 78A of the rules was a matter of public interest, to the moving of which the assent of the Hon'ble Member in charge of the department concerned, was given and was therefore perfectly in order. (In answer to a point of order raised by Mr. Mukunda Behary Mullick that the special motion could not be discussed under sections 71 and 78A of the rules and standing orders) : 90-91.

Ruling by— that a special motion under section 78A could be brought forward on the same subject as the subject of any resolution that might have been admitted and might have appeared in the List of Business, but which could not be discussed by the House for want of time and on which no decision was arrived at. (In connection with a point of order raised by Mr. Shanti Shekharwar Ray *apropos* a special motion under section 78A of Babu Jitendralal Bannerjee relating to the Poona Pact) : 92.

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President, Mr. (the Hon'ble Raja Sir Manmatha Nath Ray Chaudhuri, Kt. of Santosh)

Disallowing a member in connection with a motion to refer to, or to discuss, a particular question or a particular answer that might have been given in the House, for section 36 of the rules militated against such a course : 328-330.

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Ruling of in reply to an objection of the Hon'ble Jails Member that discussion of the treatment of prisoners while in police custody should more appropriately be raised under the head "Police" rather than under the head "Jails and convict settlements", that the charges for police custody coming under the head "Jails," the mover was in order in discussing cases of ill-treatment that may have been accorded to prisoners in jails or while being transferred from one jail to another : 432-433.

Remark of that a private member could speak on a motion after an official member had replied, provided that there was time left for him to do so : 452.

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Quasem, Maulvi Abul

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22—General administration : 364, 365.

32—Medical : 613.

33—Public Health : 661-662.

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Nath Ray Chowdhury, Kt., of Santosh)**

Observations by—

A member may change his opinion as
fresh lights may be thrown and fresh
arguments which may alter his
opinion : 712

An appeal to the members of the Govern-
ment Benches may be made if a
member adopts the right procedure :
193.

An hon'ble member who speaks against
a motion may be allowed to vote for
it in the division lottery. It depends
on how he voices his opinion when
the Chair says "Aye" or "No" :
676

A reflection on the House cannot be
allowed : 752.

A withdrawal must always be uncondi-
tional : 245.

Articles from newspapers, especially
in connection with any discussion of a
particular amendment, is not per-
missible : 590.

President (the Hon'ble Raja Sir Manmatha Nath Ray Chowdhury, Kt., of Santosh)

Observations by—

I have no doubt cut down the time-limit as an emergency measure, but if an important matter is before the house and I feel that a speech on its own merits should be allowed to be continued, I shall always relax the stringency of my order : 715.

Individual attacks must be withdrawn : 567.

One should not be disturbed when speaking. It is for the Chair to judge whether one member should not repeat his arguments : 357.

It is not the duty of the President to judge on the comparative worth or merits of bills : 768.

It is solely the duty of the Chair either not to ask an Hon'ble Member of Government to reply before, an amendment has been sufficiently discussed or to allow others to speak after he has replied : 596

Members cannot quote from any memorial of doubtful authentication, though they may base their cases on relevant facts : 59.

Members should not be disturbed with pinpricks from behind when they are speaking : 357.

Members should not reopen a debate that has already been closed : 493.

Members should not repeat the arguments they have already advanced : 654.

Remarks of members should be confined to the motion before the House : 496.

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—*concl'd.*

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Discharged clerks of the Irrigation Department : (S.Q.) pp. 264-266.

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Sand bank at the mouth of the Mathabanga : (S.Q.) pp. 651-652.

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Campaign for non-payment of landlords' rent and money-lenders' dues : (S.Q.) p. 543.

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Peddar, Mr. Ananda Mohan—*concl.*

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President (the Hon'ble Raja Sir Manmatha Nath Ray Chowdhury Kt., of Santosh)

Observations by—

A member is in order to develop his arguments on the basis of certain bye-laws of the Corporation and to ask the Hon'ble Minister to put an end to any illegality or to amend the Act in order to meet a particular serious situation, which is not covered by the existing Act or if the Corporation are misusing the powers and that he failed to obtain redress there and to request the Hon'ble Minister to interfere under the general powers vested in the Local Government under the Calcutta Municipal Act : pp. 637-638.

A member must confine his remarks to the motion before the House : p. 171.

In a proposal for reduction in demands for grants it is incumbent on the member to tell the House why and how the reduction should be effected : p. 492.

In dealing with grievances relating to an autonomous body they should be ventilated there first, before seeking to obtain redress here : p. 635.

One should not be interrupted in his speech, unless he is not misrepresenting and the debate cannot be allowed to degenerate into an angry conversation : p. 303.

President (the Hon'ble Raja Sir Manmatha Nath Ray, Chowdhury Kt., of Santosh)—*concl.*

To take a resolution out of its turn, at least 50 members have to agree to do so : p. 36.

Withdrawal of a resolution must be unconditional and without a speech : p. 179.

With reference to the answers given by the Government, the members are not permissible to argue or make a speech : p. 21.

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Medical : pp. 624-625.

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Rai Mahasai, Munindra Deb

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Under the Cess Act. Estates attached in the : (Q.) p. 502.

Ray, Babu Amulyadhan

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Ray, Babu Khetter Mohan.

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President (the Hon'ble Maharaja Sir Manmatha Nath Ray Chaudhuri, of Santosh)

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